

Table 1. West Fork elk trend count, population objective as defined by the Statewide Elk Management Plan, harvest regulations and statistics, calf per 100 cow ratio, and bull per 100 cow ratio data, 1980-2010. Calf recruitment is indexed by the number of calves per 100 cow determined during late-winter elk classification surveys. The number shown for cow-calf harvest and harvest rate in 2010 is the highest legal harvest allowable.

Year	Total Elk Count	Elk Count Objective	Hunting Regulations ¹	Cow(calf) Harvest	Cow-calf Harvest Rate	Antlered Bull Harvest	Antlered Bull Harvest Rate	Calf:Cow Ratio	Bull:Cow Ratio
1980	612	-	AB, EP	109(53)	26	137	22	52	9
1981	513	-	AB, EP	65(14)	15	96	19	-	-
1982	534	-	AB, AP	50(6)	10	80	15	34	10
1983	608	-	AB, AP	74(12)	14	124	20	45	13
1984	726	-	AB, AP	79(7)	12	150	21	44	23
1985	739	-	AB, AP	83(19)	14	160	22	49	15
1986	780	-	AB, AP	78(10)	11	122	16	44	14
1987	994	-	AB, AP	62(9)	7	84	8	49	13
1988	969	-	AB, AP	112(3)	12	188	19	33	8
1989	715	-	AB, AP	52(8)	8	136	19	36	3
1990	844	-	AB, AP	35(3)	5	116	14	16	7
1991	817	-	BB, AP	50(9)	7	76	9	27	5
1992	991	980-1062	BB, AP	49(7)	6	68	7	44	15
1993	950	980-1062	BB, AP	42(3)	5	110	12	-	-
1994	1197	980-1062	BB, AP	60(4)	5	106	9	-	-
1995	1264	980-1062	BB, AP	43(4)	4	102	8	-	-
1996	1297	980-1062	BB, AP	-	-	-	-	-	-
1997	1081	980-1062	BB, AP	-	-	-	-	-	-
1998	1277	980-1062	BB, AP	-	-	-	-	-	-
1999	1285	980-1062	BB, AP	50(5)	4	135	11	25	5
2000	1215	980-1062	BB, AP	45(7)	4	124	10	21	12
2001	-	980-1062	BB, AP	51(0)	-	149	-	-	-
2002	1576	980-1062	BB, AP	49(12)	4	120	8	26	12
2003	1703	980-1062	BB, AP	84(7)	5	227	13	24	19
2004	1614	980-1062	BB/ES	252(28)	17	380	24	35	10
2005	1914	1120-1680	BB/A	209(21)	12	357	19	37	18
2006	1462	1600-2400	BB/AA	181(7)	13	279	19	24	21

	Total Elk Count	Elk Count Objective	Hunting Regulations ¹	Cow(calf) Harvest	Cow-calf Harvest Rate	Antlered Bull Harvest	Antlered Bull Harvest Rate	Calf: Cow Ratio	Bull: Cow Ratio
2007	1373	1600-2400	BB/AA	118(14)	10	233	17	15	11
2008	863	1600-2400	BB, AP	65(9)	9	139	16	25	22
2009	744	1600-2400	BB, AP	70(3)	10	122	16	9	7
2010	764	1600-2400	BB, AP	5	1	-	-	11	4

¹Hunting Regulations: AB = antlered bull legal on the general elk license, EP = either-sex permits limited in number through a special drawing, AP = antlerless (cow-calf) permits or licenses limited in number through a special drawing, BB = branch-antlered or brow-tined bull on the general elk license, BB&A = antlerless elk also legal on the general elk license in the last 9 days of the hunting season, BB&AA = antlerless elk also legal on the general elk license in the last 23 days of the hunting season and antlerless hunting closes upon achieving a harvest quota.

MONTANA FISH, WILDLIFE & PARKS
HUNTING SEASON / QUOTA CHANGE SUPPORTING INFORMATION

Species: Elk
Region: Region2
Hunting District: Hunting Districts 204, 240, 250, 261, and 270
Year: 2004

1. Describe the proposed season / quotas changes and provide a summary of prior history (i.e., prior history of permits, season types, etc.).

Create a brow-tined bull/antlerless elk season for the last 9 days of the general season (Nov. 20-Nov. 28), with the balance of the general season (Oct. 24-Nov.19) being brow-tined bull. This represents a change from brow-tined bull with A-7 licenses.

2. Why is the proposed change necessary?

This change is necessary to address elk populations that are more than 10% over Elk Plan Objectives.

3. What is the current population's status in relation to the management objectives? (i.e., state management objectives from management plan if applicable; provide current and prior years of population survey, harvest, or other pertinent information).

Elk populations in these hunting districts are at least 10% over Elk Plan Objectives. A-7 licenses for antlerless elk hunting have not resulted in sufficient harvests to bring these populations into compliance with the Elk Plan.

4. Provide information related to any weather/habitat factors that have relevance to this change (i.e., habitat security, hunter access, vegetation surveys, weather index, snow conditions, temperature / precipitation information).

Throughout most of the last decade, mild falls have created lackluster elk harvests with the hunting season packages that have been in place. A major management shift is needed to bring elk numbers into compliance. Even with the comparatively excellent harvest that occurred this fall, it is unlikely that overall elk numbers will be reduced significantly in these HDs.

5. Briefly describe the contacts you have made with individual sportsmen or landowners, public groups or organizations regarding this proposal and indicate their comments (both pro and con).

Public comment on a first 8 day brow-tined bull/antlerless season for these HDs was not favorably received during public hearings in January 2004. Given that this proposal is new, it has not been reviewed for public comment as of this writing.

Submitted by: Gary Hammond

Date: January 28, 2004

Approved: _____
Regional Supervisor / Date

Disapproved / Modified by: _____
Name / Date

Reason for Modification:

1 hides, from fines or damages collected for violations of the fish and game laws, or from appropriations or
2 received by the department from any other sources is appropriated to and under control of the department.

3 (4) The department may discharge any appointee or employee of the department for cause at any time.

4 (5) The department may dispose of all property owned by the state used for the protection, preservation,
5 management, and propagation of fish, game, fur-bearing animals, and game and nongame birds that is of no
6 further value or use to the state and shall turn over the proceeds from the sale to the state treasurer to be
7 credited to the fish and game account in the state special revenue fund.

8 (6) The department may not issue permits to carry firearms within this state to anyone except regularly
9 appointed officers or wardens.

10 (7) The department is authorized to make, promulgate, and enforce reasonable rules and regulations
11 not inconsistent with the provisions of chapter 2 that in its judgment will accomplish the purpose of chapter 2.

12 (8) The department is authorized to promulgate rules relative to tagging, possession, or transportation
13 of bear within or outside of the state.

14 (9) (a) The department shall implement programs that:

15 (i) manage wildlife, fish, game, and nongame animals in a manner that prevents the need for listing
16 under 87-5-107 or under the federal Endangered Species Act, 16 U.S.C. 1531, et seq.; and

17 (ii) manage listed species, sensitive species, or a species that is a potential candidate for listing under
18 87-5-107 or under the federal Endangered Species Act, 16 U.S.C. 1531, et seq., in a manner that assists in the
19 maintenance or recovery of those species; and

20 ~~(iii) manage elk, deer, and antelope populations based on habitat estimates determined as provided in~~
21 ~~[section 2] and maintain elk, deer, and antelope population numbers at or below population estimates as~~
22 ~~provided in [section 3].~~

23 (b) In maintaining or recovering a listed species, a sensitive species, or a species that is a potential
24 candidate for listing, the department shall seek, to the fullest extent possible, to balance maintenance or
25 recovery of those species with the social and economic impacts of species maintenance or recovery.

26 (c) This subsection (9) does not affect the ownership or possession, as authorized under law, of a
27 privately held listed species, a sensitive species, or a species that is a potential candidate for listing. (Terminates
28 March 1, 2006--sec. 6, Ch. 544, L. 1999.)

29 **87-1-201. (Effective March 1, 2006) Powers and duties.** (1) The department shall supervise all the
30 wildlife, fish, game, game and nongame birds, waterfowl, and the game and fur-bearing animals of the state.

1
2 NEW SECTION. **Section 1. Purpose.** The purpose of [sections 1 through 5] is to require the
3 commission, with advice of the department, to manage elk, deer, and antelope populations in a sustainable
4 manner that keeps animal populations at a number that does not adversely affect ~~private property owners~~
5 MONTANA LAND.

6
7 NEW SECTION. **Section 2. Calculation of available habitat.** When determining the total acreage that
8 serves as habitat for elk, deer, and antelope, the commission shall consider ~~only~~ public land and private land
9 ~~that is under contract with the department for wildlife management or habitat enhancement purposes.~~ This
10 calculation must be reconsidered and provided to the public by October 1 of each odd-numbered year.

11
12 NEW SECTION. **Section 3. Viable elk, deer, and antelope populations based on habitat acreage**
13 **-- reduction of populations as necessary.** (1) Based on the habitat acreage that is determined pursuant to
14 [section 2], the commission shall determine the appropriate elk, deer, and antelope numbers that can be viably
15 sustained. ~~THE DEPARTMENT SHALL CONSIDER THE SPECIFIC CONCERNS OF PRIVATE LANDOWNERS WHEN DETERMINING~~
16 ~~SUSTAINABLE NUMBERS PURSUANT TO THIS SECTION.~~

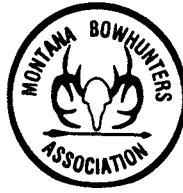
17 (2) Once the sustainable population numbers are determined as provided in subsection (1), the
18 department shall implement, through ~~the rulemaking process and other applicable programs,~~ a program EXISTING
19 WILDLIFE MANAGEMENT PROGRAMS, NECESSARY ACTIONS ~~to ensure~~ WITH THE OBJECTIVE that the population of elk,
20 deer, and antelope remains at or below the sustainable population. The ~~program implemented by the~~
21 ~~department~~ PROGRAMS may include but ~~is~~ ARE not limited to:

- 22 (a) liberalized harvests;
23 (b) game damage hunts;
24 (c) landowner permits; OR
25 ~~(d) herd dispersal; or~~
26 ~~(e)(D)~~ animal relocation.

27 (3) The department shall:

28 (a) ~~ensure~~ MANAGE WITH THE OBJECTIVE that populations of elk, deer, and antelope are at or below the
29 sustainable population number by January 1, 2009; and

30 (b) evaluate the elk, deer, and antelope populations on an annual basis and provide that information



Mr. Chairman and Members of the Committee,

My name is Jerry Davis and I represent the Montana Bowhunters Association.

MBA opposes SB 397 because of the ramifications it will have on hunting, including bow hunting, wildlife management and public safety.

We appreciate and concur with Senator Boulanger's concern for the decreasing elk populations in some hunting districts in Montana. We also thank the Senator for removing the bear baiting provisions from this bill. But this bill still has many provisions we do not agree with.

To begin this bill removes the FWP Commission's authority and flexibility in managing wildlife. This bill mandates provisional predator seasons when restrictive harvest regulations for elk are adopted. Often restrictive harvest regulations for elk are not solely based on predator issues. Often low elk populations in a hunting district are the result of habitat loss or degradation caused by drought, fires, or human development.

Proponents attest that high predator numbers have alone suppressed calf recruitment and the rebound of elk. They state that the legislature must step in and create policy in order to meet biological objectives. In response to this, we respectfully remind proponents of the ramifications of past legislative actions. The Bitterroot's West Fork hunting districts are a prime example of this. In 2003 HB 42 was passed that required FWP to "manage with the objective that populations of elk, deer, and antelope are at or below the sustainable population number by January 1, 2009". In 2003 prior to the enactment of HB 42 the West Fork elk population was estimated at around 1700. That same year a total of 84 cow elk were harvested. In 2004 when liberal elk hunting regulations went into effect in an effort to comply with HB 42, 252 cow elk were harvested. By 2008 the elk population was down to 863 and the liberal seasons were suspended. It can be argued that predation had some effect on lowering the elk population but it is apparent that over harvesting of cow elk also had substantial effect on elk numbers. We think this is an example of why wildlife management through legislation should be based on sound science and not anecdotal philosophy.

This bill nullifies the hard work by legislators done earlier in this session to pass HB 73. A bill devised to control wolf populations without jeopardizing the relisting of wolves. One of our arguments in opposing HB 31, also a wolf management bill, was if Montana passes a law that limits the number of wolves by statute instead of the state following its Wolf Management Plan Federal intervention and lawsuits could occur. SB 397 would set in statute a minimum population of 200 wolves in Montana. We therefore oppose this bill on the grounds that it may elicit intervention by the Federal Government leading to the

relisting of the wolf and the management Montana's wolf population by the Federal Government. Montana must be committed to following the Wolf Management Plan to ensure wolves are not relisted.

This bill allows hounds to be used in the spring to hunt black bears. In areas where grizzlies occupy the same territory as black bears there is a probability that grizzlies will be chased. A grizzly will stand to protect itself and in all probability will kill the hounds and threaten the hunter leaving a scenario where the hunter will shot the grizzle to protect himself. We are sure that this scenario will be considered when the Federal Government considers delisting grizzlies in Montana. For this reason many of our members are concerned that hunting bears with hounds will threaten the delisting of the grizzly bear, a species many of us would love to have an opportunity to hunt.

The argument for this bill is that we need to have more aggressive predator control measures. Well we believe the FWP has taken a more aggressive but responsible approach to controlling predators.

In response to black bear predation problems FWP has expanded hunting season dates in the spring and added an archery only season in the fall. These actions have resulted in a 37% increase in harvested bears last year when compared to last 19 years.

In response to mountain lion predation concerns FWP has increased quotas and developed a hybrid season in Region 2. These actions have resulted in a 31% increase in mountain lion harvest during the 2011-12 season when compared to the 2008-2009 season.

We think it is clear that this bill is not needed to control predators. In fact FWP and the Commission are taking reasonable actions to control predators to ensure the rebound of elk populations where numbers are below objectives.

For these reasons we ask that you vote "Do Not Pass" for SB 397

Thank You,